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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,291	07/11/2003	Imad Qashou	PGI6044P0971US	4377
32116	7590	11/16/2005	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			SINGH, ARTI R	
			ART UNIT	PAPER NUMBER
			SIRA	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,291

Applicant(s)

QASHOU ET AL.

Examiner

Ms. Arti Singh

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Response to Amendment

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks dated 08/29/05 in response to the non-final office action dated 03/25/05. All previously made rejections are now withdrawn and new art has been applied as Applicant has amended the claims. At this time in the prosecution the pending claims are 1-14. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 1 is objected to because of the following informalities: there appears to be a typo in section d, line 12 of Claim 1, an adhesive fabric layer is described. The Examiner believes this should be state "abrasive" and for the purposes of examination it will be viewed as abrasive until Applicant has verified or appropriately corrected the matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6468931 issued to Reeder et al.

5. Reeder et al disclose a multilayered thermally bonded nonwoven fabric used in a plethora of absorbent products such as diapers, incontinence pads, sanitary napkins and wipes (column 7, line 54). Their fabric includes at least two prebonded nonwoven webs having a

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multiplicity of intralaminar bonds (abstract and column 6). The prebonded webs are secured together to form the fabric of the invention (abstract). In column's 3 and 6, Patentee describes that the bonding between the individual nonwoven layers can create a bond that affects the surface topography of the nonwovens exhibiting a pattern, quilted or pillowy structure. In column 4, patentee describes that all the layers of the composite may be made from nonwoven webs which can be the same or wherein one layer is made of continuous filaments (which the Examiner is equating to be Applicants abrasive layer) and at least one web of staple fibers (which the Examiner is equating to be Applicant's absorbent layer) and maybe laid one upon another (juxtaposed column 4, line 26). Further, the webs may be of similar or of different fiber compositions and basis weights (column 4, lines 15-40) or specifically the carded staple polypropylene nonwoven layer usually has a basis weight of about 10 to 30 gsm (column 5, line 43). Each web contains thermoplastic fibers and may include other non-thermoplastic fibers, exemplary thermoplastic polymers include but are not limited to polyolefins, such as polypropylene and polyethylene, polyesters such as polyethylene terephthalate, polyamides, etc (column 4, lines 56-67). When the webs are formed of staple fibers they are usually formed by a carding process (column 5, line 4). The individual layers can be bonded by almost any known heating method however the preferred are ultrasonic (column 6, line 57) to bring two or more layers together to form a unitary structure. In column 7, patentee describes the hydrophilic polypropylene (absorbent layer) and then further teaches that the multilayer thermally bonded nonwoven fabrics provide several desirable and yet apparently opposing properties in one fabric, thus indicating that one layer could be absorptive and the other abrasive.

Reeder et al teach Applicant's desired structure of two separate and distinct nonwovens, one being the abrasive layer and the other an absorbent layer; the exact

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chemical makeup of the nonwovens and that they are bonded together ultrasonically have regions that are bonded and not bonded thereby forming a pillowy structure. The only limitations not explicitly suggested by patentee, are those of the coefficient of friction; the contact surface area to be 0.5 to 12 square inches or the exact denier of the fibers/filaments being used. It is the position of the Examiner that all these limitations are optimizable and that the surface are being bonded or the denier of the yarn and the resultant coefficient of friction are all result effective variables. For instance the denier of the fiber directly affects the strength of the nonwoven. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was used a coarser or thicker denier for the filaments of the abrasive layer, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have optimized the denier to make the abrasive layer less lofty, motivated by the desire to obtain a cloth that has high durability and strength. With regard to the contact surface area and coefficient of friction again it is the position of the Examiner that choosing the amount of contact between the two layers is also a result effective variable. A skilled artisan would have found it obvious to make a wipe having the contact surface area of 0.5 to 12 square inches, motivated by the reasoned expectation of having a fluffy wipe. Additionally, and as no dimensions are provided for Applicant's final wipe, it would be safe for a skilled artisan to assume that if were to make said wipe, it would most likely be one that would fit under a hand of a user (similar to those already in the industry) and would be considered as being routinely done and well known in the industry of wipes.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-F 9-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'Arti Singh', with a stylized, cursive script.

Ms. Arti Singh
Primary Examiner
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Ars 11/13/05